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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,479	02/07/2002	Jae Young Lee	4251-4005	7276
27123	7590	07/14/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,479

Applicant(s)

LEE, JAE YOUNG

Examiner

Sam Bhattacharya

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 7-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 102(e) as being unpatentable over Shin (US Patent Application Publication No. 2002/0037712 A1) in view of Phillips (US 6,370,399 B1).

Regarding claims 1 and 5, Shin discloses a method of exchanging data between mobile phones through an inter-working function, including a receiving mobile phone 31 that enters data reception mode as a receiving user selects data call receiving mode; a transmitting mobile phone 30 that initiates a data call to the receiving mobile phone; as the receiving mobile phone answers the call, data exchange between the mobile phones proceeds; and data transmission from the transmitting mobile phone to the receiving mobile phone is completed. Different service options are also available for communication of the data. See FIGS. 2 and 3, and paragraphs [0033], [0034] and [0035].

Shin fails to disclose mobile phones transmitting signals including an origination message of which a service option field's value is 4 or 12. However, in an analogous art, Phillips discloses a system for determining a mobile service option via a phone number in which mobile phones transmitting signals including an origination message of which a service option field's value is 4 or 12. See Abstract, lines 1-6, FIG. 6, col. 4, lines 58-60 and col. 5, lines 12-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Shin by using an origination message of service option field value 4 or

12, as taught by Phillips, to support asynchronous applications in the exchange of data between the mobile phones.

Regarding claims 3 and 7, Shin discloses that each of the mobile phones considers all data except control data (along the “control path”) transmitted from an inter-working unit (router 40) as data transmitted from the other mobile phone.

Regarding claims 4 and 8, it is inherent that completion of data transmission is terminated when an end key, such as an OFF button, of any of the mobile phones is pressed by a user.

Allowable Subject Matter

3. Claims 9, 11 and 12 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a combination of steps in a method of exchanging data between mobile phones in an IS-95A/B or IS-95C network, wherein the mobile phones transmit signals including an origination message of which a service option field's value is 0x8003.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-5, 7 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


7/17/05
LESTER G. KINCAID
PRIMARY EXAMINER